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SACRAMENTO COURTS
DEPT. #53 #54

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SACRAMENTO

FAIR POLITICAL PRACTICES COMMISSION,
a state agency,

Plaintiff,

v.

SANTA ROSA INDIAN COMMUNITY OF THE
SANTA ROSA RANCHERIA dba PALACE
BINGO AND PALACE INDIAN GAMING, and
DOES I-XX,

Defendants.

Case No. 02AS04544

DECLARATION OF SECRETARY OF
STATE KEVIN SHELLEY IN
SUPPORT OF OPPOSITION TO
MOTION TO QUASH

Date: February 20, 2003

Time: 9:00 a.m.

Dept: 54

Judge: Hon. Joe S. Gray

Action Filed July 31, 2002

No Trial Date Set

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1 1. I am the Secretary of State of the State of California. The following is true of my
2 personal knowledge. If called as a witness, I could competently testify to these facts.

3 2. I was elected Secretary of State in 2002. My responsibilities and statutory obligations as
4 Secretary of State include being the Chief Elections Officer of California according to Government
5 Code 12172.5 and the filing official for statewide candidates, campaign committees, and lobbying
6 entities. These candidates, campaigns, and lobbyists are required by the Political Reform Act of 1974 to
7 file contributions, expenditures, and lobbying payments with my office at various specified periods.
8 There is a Political Reform Division within my office that deals exclusively with the administration of
9 the Political Reform Act as it applies to the Secretary of State. In addition, the Political Reform
10 Division works closely and continuously with the Fair Political Practices Commission, which was also
11 created by the Political Reform Act.

12 3. It is critically important to the democratic process that timely and complete information
13 about candidates, campaigns, and lobbying activities be available to voters before elections. One of my
14 most important tasks is to increase voter participation from its historic low point this last election. This
15 requires that voters have the best information possible in the shortest amount of time technology
16 permits. There is no more important public interest than ensuring fair, accurate, and efficient elections
17 and access to the democratic process. Voters must have confidence that their decisions about whom
18 will administer their government is based on comprehensive and the most up-to-date information. The
19 voters must know who is contributing to candidates, how much is being contributed, and how
20 government is being lobbied. It is equally important to encourage the widest participation in the
21 democratic process through financial activities that energize candidates and campaigns and stimulate
22 grassroots political action. This includes the timely and full public disclosure of campaign and
23 candidate contributions and lobbying activities. The Political Reform Act imposes this requirement
24 equally on all participants.

25 4. In order to meet these critically important public interests, the Secretary of State
26 sponsored legislation, SB 49 (Karnette) which became the Online Disclosure Act of 1997 to take
27 advantage of the Internet to display candidate and campaign contributions and expenditures and
28 lobbying activity. The Online Disclosure Act of 1997 provided the statutory basis for my office to

1 develop and implement CAL-ACCESS (California Automated Lobbying and Campaign Contribution
2 & Expenditure Search System). CAL-ACCESS gives California voters the instant availability of
3 critical financial information relating to candidates and campaigns and lobbying activities. During the
4 2000 Primary and General Elections, for example, late contribution and late independent expenditure
5 reports were manually entered by my office into CAL-ACCESS so that voters would have this essential
6 financial information in the very last days of the campaigns prior to the elections themselves. The
7 Internet is indispensable in swiftly making public and widely available the very fundamental and
8 crucial campaign financial information voters must have in order to make informed decisions.

9 5. The passage of Proposition 34 in 2000, which mandated fuller and faster campaign and
10 lobbying disclosures, makes it even more imperative that the voters have access to all financial
11 information related to political campaigns. These disclosure requirements as my office administers
12 them are neutral and nonpartisan. They apply equally to all those individuals and groups who choose to
13 participate financially in California's elections and to lobby our state government. The disclosure
14 requirements seek to benefit the citizens of California through public transparency of financial dealings
15 in elections and government lobbying.

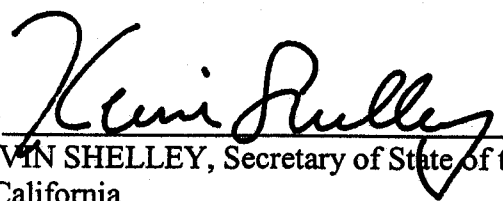
16 6. Through the thousands of filings to my office both on paper and by CAL-ACCESS, the
17 Fair Political Practices Commission is able to discharge its obligations to oversee and enforce the
18 Political Reform Act's campaign and lobbying disclosure provisions. My office works with the Fair
19 Political Practices Commission to develop the forms for these disclosures, the enforcement actions that
20 may be taken, and legislation to increase timely public access to campaign finance and lobbying
21 information.

22 7. The Online Disclosure Act of 1997 required that the Secretary of State report
23 periodically to the Legislature about progress in online campaign and lobbying filing. My office
24 submitted reports to Gregory Schmidt, Secretary of California Senate and E. Dotson Wilson, Chief
25 Clerk of the California Assembly on June 1, 2001 and June 3, 2002. True and correct copies of those
26 reports are attached as Exhibits A and B and incorporated here by reference.

27 8. The Political Reform Act provides a reasonable and neutral plan for swift public
28 disclosure of campaign and candidate contributions and lobbying activities. I encourage full

1 participation in California's political process, debate, and elections. An integral element of that
2 participation must be the fullest disclosure of public information about those who seek to influence
3 candidates and campaigns through contributions and lobbying.

4 I declare under penalty of perjury under the laws of the state of California that the foregoing is
5 true and correct of my own knowledge, and that this declaration was executed in Sacramento,
6 California, on February 10, 2003.

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8 By: 
9 KEVIN SHELLEY, Secretary of State of the State
10 of California
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